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ORDINANCE NUMBER 2740

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, BY GRANTING A SPECIFIC USE PERMIT FOR OUTSIDE STORAGE FOR A TRUCK HAULING AND STORAGE COMPANY INCLUDING VARIANCES TO PLACEMENT OF OUTSIDE STORAGE AND SCREENING WALL HEIGHT REQUIREMENTS, ON AN APPROXIMATELY 3.72-ACRE TRACT OF LAND LOCATED AT 13700 SENLAC DRIVE AND WITHIN THE PLANNED DEVELOPMENT NUMBER 22 (PD-22) ZONING DISTRICT; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS; PROVIDING FOR INJUNCTIVE RELIEF; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Farmers Branch deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the City to enact a new zoning ordinance; and

WHEREAS, the City Council has appointed a Planning and Zoning Commission to recommend the boundaries of the various original zoning districts and appropriate regulations be enforced therein and to recommend a new zoning ordinance to amend the Comprehensive Zoning Ordinance; and

WHEREAS, the Planning and Zoning Commission has divided the City into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health, general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and

WHEREAS, the Planning and Zoning Commission has given reasonable consideration to, among other things, the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City; and

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WHEREAS, the Planning and Zoning Commission of the City of Farmers Branch and the City of Farmers Branch City Council, in compliance with the Charter of the City of Farmers Branch, and state law with reference to the granting of changes to the zoning classifications under the Zoning Ordinance Regulations and Zoning Map, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof, the City of Farmers Branch City Council is of the opinion that due to a change in condition and in order to protect the public health, welfare and safety, said change in zoning should be made.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS:

SECTION 1. That all matters stated in the preamble are found to be true and correct and are incorporated herein as if copied in their entirety.

SECTION 2. That the Comprehensive Zoning Ordinance of the City of Farmers Branch, Texas, be, and the same is hereby amended, by amending the Zoning Map of the City of Farmers Branch so as to grant a Specific Use Permit to allow outside storage for a truck hauling and storage company, including variance requests to the placement of outside storage and screening wall height requirements, on an approximately 3.72-acre tract of land located at 13700 Senlac Drive and within the Planned Development No. 22 (PD-22) zoning district (hereinafter the "Property"), as described in the attached Exhibit "A" and further depicted on Exhibit "B," subject to the terms and conditions contained herein.

SECTION 3. That the Property shall conform in operation, location and construction to the development standards specified within the Planned Development No. 22 (PD-22) zoning district and in accordance with the approved site plan attached hereto as Exhibit "C" and the plan of operation attached hereto as Exhibit "D." All exhibits attached hereto are incorporated herein by reference.

SECTION 4. That the City Council does hereby approve the site plan attached hereto as Exhibit "C" with the following conditions:

- a. The property shall be replatted with the necessary fire lane and utility easements and setbacks as prescribed by the PD-22 ordinance.
- b. Any signage shall be subject to review and approval by city staff.
- c. Outside storage shall be limited to vehicles and shall be restricted to those areas noted on the site plan as "Designated truck parking" and no other equipment, supplies, or commodities of any kind shall be stored outside of the building.

- d. The site shall be operated in accordance with the Plan of Operation.

SECTION 5. That the City Council does hereby approve the site plan attached hereto as Exhibit "C" with the following variances:

- a. Allow outside storage on the side of a building fronting a street; and
- b. Allow a variable height screening wall ranging from 14 to 18 feet in height.

SECTION 6. That the owner of the Property may utilize the area on the north side of the building to provide up to fifteen (15) additional parking spaces, including any corresponding necessary improvements. The ability to utilize the area on the north side of the building for parking is subject to submittal and approval of a revised Site Plan by City Staff. In the event City Staff does not approve the revised Site Plan, the owner must apply for an amendment to this Ordinance.

SECTION 7. If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

SECTION 8. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Farmers Branch and upon conviction shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense.

SECTION 9. In addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

SECTION 10. This ordinance shall take effect immediately from and after its passage as the law in such case provides.

DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, on this the 22 day of September, 2003.

APPROVED:



Mayor

APPROVED AS TO FORM:



City Attorney

ATTEST:



City Secretary

Exhibit "A"

**LOT 3B, BLOCK 6
VALWOOD PARK FARMERS
BRANCH-PHASE TWO**

WM. H. Pulliam Survey, Abstract No. 1171, and
S.A. & M.G. R.R. Survey, Abstract No. 1418
City of Farmers Branch, Dallas County, Texas

DESCRIPTION, of a 3.721 acre tract of land situated in the WM. H. Pulliam Survey, Abstract No. 1171 and in the S.A. & M.G. R.R. Survey, Abstract No. 1418, Dallas County, Texas, said tract being all of Lot 3B, Block 6 of Replat of Lot 3, Block 6 Valwood Park Farmers Branch-Phase Two, an addition to the City of Farmers Branch, Texas according to the plat thereof recorded in Volume 88098, Page 3157 of the Deed Records of Dallas County, Texas; said 3.721 acre tract being more particularly described as follows:

BEGINNING, at a 1/2-inch iron rod with "Half Assoc." cap found at the most northerly end of a circular corner clip at the intersection of the north right-of-way line of Diplomat Drive (a variable width right-of-way, 64 feet wide at this point) and the east right-of-way line of Senlac Drive (a 160 foot wide right-of-way);

THENCE, North 00 degrees, 41 minutes, 08 seconds West, along said east right-of-way line of Senlac Drive, a distance of 248.50 feet to a "+" cut in concrete found for corner; said point being the southwest corner of Lot 3B, Block 6 of said Valwood Park Farmers Branch-Phase Two (from said point a "+" cut in concrete found bears South 28 degrees 55 minutes East, a distance of 0.2 foot);

THENCE, North 89 degrees, 18 minutes, 52 seconds East, departing said east right-of-way line of Senlac Drive and along the common line of said Lot 3A and Lot 3B, a distance of 671.53 feet to a "+" cut in concrete found for corner in the northwest right-of-way line of said Diplomat Drive (a 100 foot wide right-of-way at this point); said point being the southeast corner of said Lot 3A (from said point a "+" cut in concrete found bears South 30 degrees 42 minutes East, a distance of 0.2 foot);

THENCE, along the said northwest right-of-way line and said north right-of-way line of Diplomat Drive, the following six (6) calls:

South 22 degrees, 23 minutes, 55 seconds West, a distance of 184.05 feet to a 1/2-inch iron rod found for corner; said point being the beginning of a tangent curve to the right whose center bears North 67 degrees, 36 minutes, 05 seconds West, a distance of 150.00 feet from said point;

Southwesterly, along said curve to the right, through a central angle of 66 degrees, 54 minutes, 57 seconds, an arc distance of 175.19 feet, on a chord bearing and distance of South 55 degrees, 51 minutes, 24 seconds West, 165.40 feet, to a 1/2-inch iron rod found for corner;

South 89 degrees, 18 minutes, 52 seconds West, a distance of 198.43 feet to a 1/2-inch iron rod found for corner; said point being the beginning of a tangent curve to the left whose center bears South 00 degrees, 41 minutes, 08 seconds East, a distance of 250.00 feet from said point;

Southwesterly, along said tangent curve to the left, through a central angle of 15 degrees, 25 minutes, 14 seconds, an arc distance of 67.28 feet, on a chord bearing and distance of South 81 degrees, 36 minutes, 15 seconds West, 67.08 feet, to a 1/2-inch iron rod with "Pacheco Koch" cap set for corner (from said point a 1/2-inch iron rod found bears North 37 degrees, 11 minutes West, a distance of 0.5 feet); said point being the beginning of a

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Exhibit "A" (continued)

reverse curve to the right whose center bears North 16 degrees, 06 minutes, 22 seconds West, a distance of 250.00 feet from said point;

Southwesterly, along said reverse curve to the right, through a central angle of 15 degrees, 25 minutes, 14 seconds, an arc distance of 67.28 feet, on a chord bearing and distance of South 81 degrees, 36 minutes, 15 seconds West, 67.08 feet, to a 1/2-inch iron rod found for corner (from said point a 1/2-inch iron rod found bears North 00 degrees, 42 minutes West, a distance of 2.9 feet);

South 89 degrees, 18 minutes, 52 seconds West, a distance of 100.00 feet to a 1/2-inch iron rod found for corner (from said point a 1/2-inch iron rod found bears North 04 degrees, 14 minutes East, a distance of 3.0 feet); said point being at the most southerly end of said circular corner clip; said point also being the beginning of a tangent curve to the right whose center bears North 00 degrees, 41 minutes, 08 seconds West, a distance of 30.00 feet from said point;

THENCE, departing said right-of-way line of Diplomat drive and along said curving corner clip, northwesterly, along said curve to the right, through a central angle of 90 degrees, 00 minutes, 00 seconds, an arc distance of 47.12 feet, on a chord bearing and distance of North 45 degrees, 41 minutes, 08 seconds West, 42.43 feet, to the POINT OF BEGINNING;

CONTAINING, 162,086 square feet or 3.721 acres of land, more or less.

Exhibit "B"

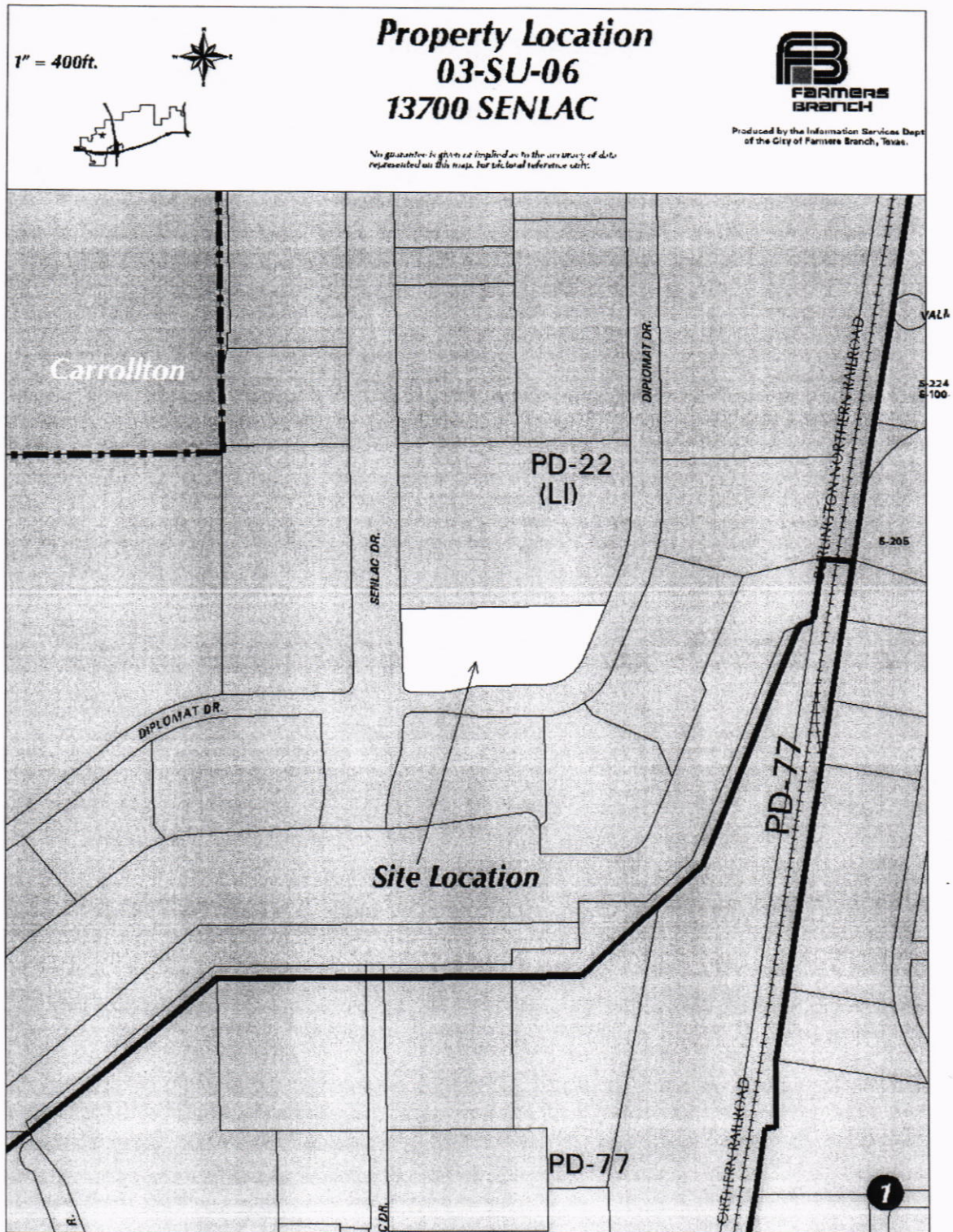
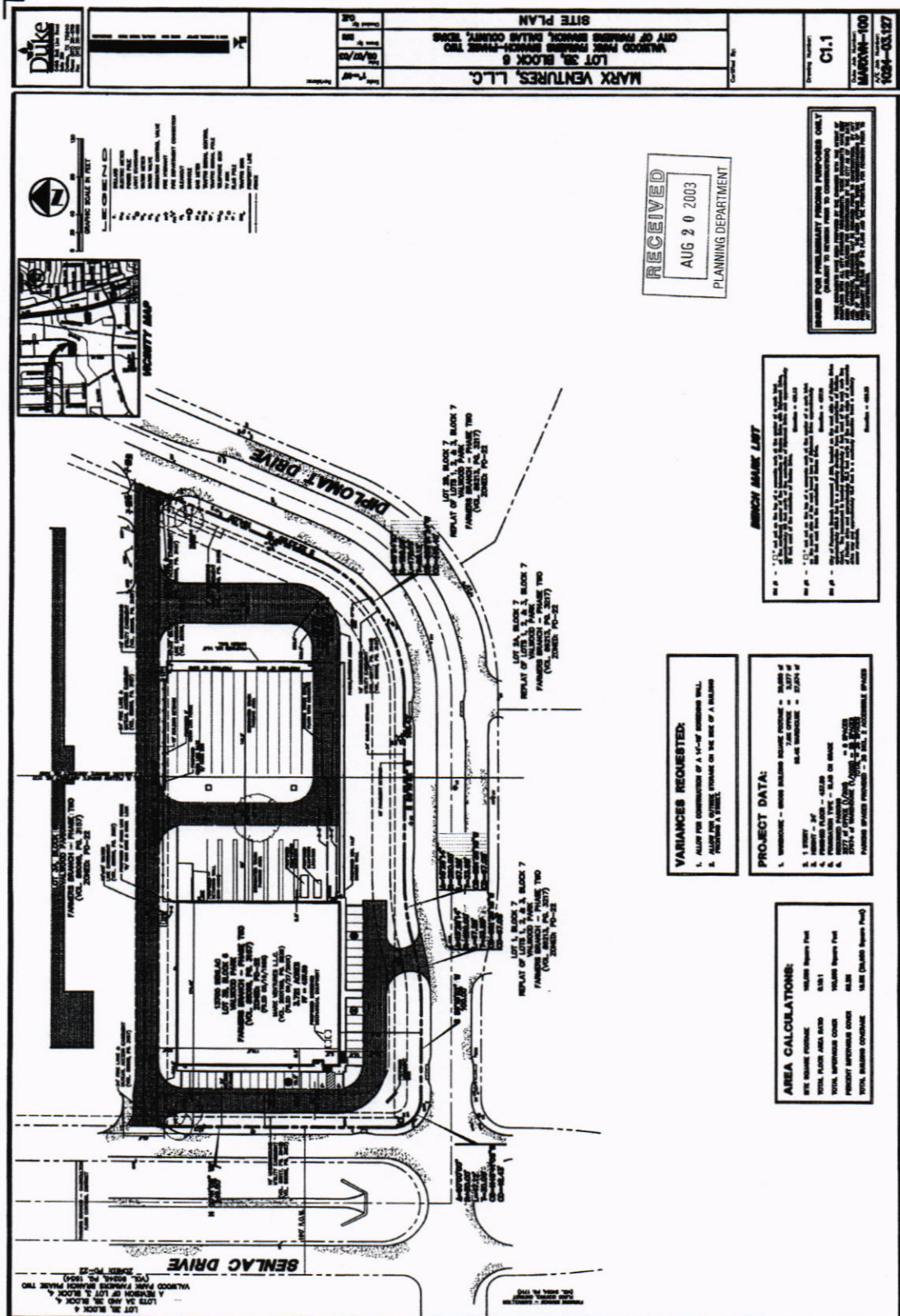


Exhibit "C"



[illegible]

E. Group, Inc.
 1445 West 10th Street
 Suite 200
 Denver, CO 80202
 Phone: (303) 733-4400
 Fax: (303) 733-4401



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Exhibit "C" (continued)

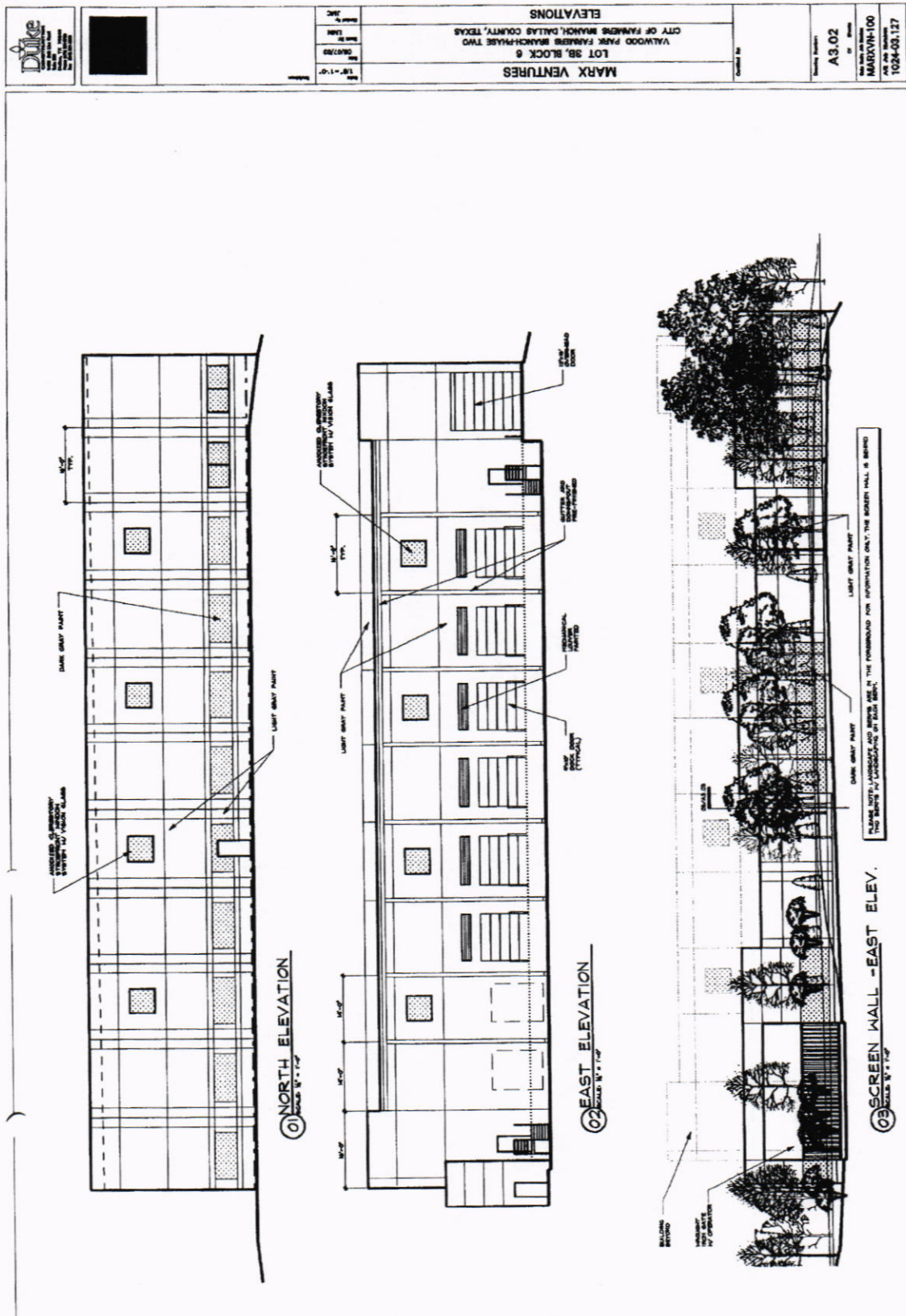


Exhibit "D"

Plan of Operations
For Marx Ventures, LLC
13700 Senlac Drive
Farmers Branch, TX

The facility shall be designed and used by Marx Ventures, LLC for their permanent use in transportation and storage of personal property. No industrial items, i.e. chemicals, etcetera will be stored or transported. All trucks and trailers are wholly owned and operated by New World Van Lines (NWVL). No rented or leased trucks or trailers will be utilized, not even on a temporary basis.

The facility shall be designed and used for storage of crated and non-crated goods. All property in the care of NWVL will be stored inside the warehouse facility. Trucks and trailers will be the only items stored within the outside storage area.

The average daily traffic shall be four (4) to ten (10) trucks per day. A large portion of the business is long or mid-term storage of goods. No more than ten (10) trailers and no more than ten (10) trucks shall be stored at any time.

All tractor-trailer vehicles in the fleet are identical with each being 63'0" long and 13'6" tall. No tandem rigs shall be used. All vehicles are owned and maintained by NWVL and have a well-maintained appearance. The Marx family owns the company and takes personal pride in the appearance and operation of the fleet. The trucks have won industry design awards, and the operational standards of the business are exceptional.

The hours of operation for the facility shall be Monday through Friday, 7:00 a.m. to 6:00 p.m., with a total of ten (10) to fifteen (15) employees utilized for operations.

Should you have questions about this information, please do not hesitate to call or contact:

Brian Straley
Duke Construction, L.P.
Ph. 972-361-6723
Fax 972-361-6800